

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**FEBRUARY 13, 2007**

President Bob Foster called the meeting to order at 10:03 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Bob Foster, President, Wendy Hllum, Vice President, Dennis Hamilton and Steve Murphy. Board members absent were Ralph Buckner and David Murphy.

Staff members present were Robert Gribble, Executive Director, Adrian Chick Staff Attorney, and Sandra Cooper and Jimmy Gossett, Administrative Assistants.

President Bob Foster introduced Mr. Dennis Hamilton as the newest member of the Board. Mr. Hamilton represents West Tennessee.

### **APPROVAL OF MINUTES:**

A motion was made by Mr. Steve Murphy to approve the minutes of the December 12, 2006 Board Meeting.

Seconded by Ms. Hllum

Adopted by voice vote

A motion was made by Mr. Steve Murphy to approve the minutes of the January 9, 2007 Board Meeting.

Seconded by Ms. Hllum

Adopted by voice vote

### **APPROVAL OF ESTABLISHMENT LICENSES:**

Upon motion, based upon the application records, the following establishment was approved for licensure.

**Northwest Tennessee Crematory  
McKenzie, TN**

**Change of Ownership**

**New Ownership: Corporation**

**LEGAL REPORT:  
ADRIAN CHICK, STAFF ATTORNEY****1. Case No.: L07-FUN-RBS-2006044661**

An inspection revealed the following violations:

- A casket is being offered for sale that is not on the Casket Price List.
- Another casket is priced higher in the selection room than on the Casket Price List.
- Prices on outer burial containers do not match with prices on the Outer Burial Container Price List.
- The establishment's web site lists an individual as manager whose funeral director's license has expired.

The Respondent states that the price lists and website have been updated to correct the noted violations.

**Complaint History:** 200208673 - *Dismissed*; 200502516 - *\$500 Consent Order paid*; 200600112 - *\$250 Consent Order paid*; 200600222 - *\$500 Consent Order paid*

**Recommendation:** Consent Order assessing \$250 civil penalty and authorization for a hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Hamilton

Adopted by voice vote

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**2. Case No.: L07-FUN-RBS-2006046271**

An inspection revealed the following violations of Respondent funeral establishment:

- Current funeral director and embalmer licenses were not available for inspection.
- The current license and latest inspection report of the crematory used by Respondent was not available for inspection.
- Respondent's Statement of Funeral Goods and Services Selected does not list all items included in cremation package.

To summarize, the establishment states the violations were oversights and has made corrections where applicable.

**Complaint History:** *None*

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to assess civil penalty of \$250 and authorization for hearing.

Seconded by Ms. Hellum

Adopted by voice vote

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**3. Case No.: L07-FUN-RBS-2006046371**

An inspection revealed the following violations:

- The high end range on the Casket Price List was inconsistent with the General Price List.
- The low end range on the Outer Burial Container Price List was inconsistent with the General Price List.
- The General Price List failed to list the fiberboard alternative container.
- On the Statement of Funeral Goods and Services Selected, the reason for embalming was not provided.
- The permanent identification tags of two remains, both casketed and ready for services, were not present.

To summarize, the Respondent apologizes for the violations and assures the Board that corrective measures have been taken.

**Complaint History:** *None*

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Ms. Hellum to assess a civil penalty of \$250 and authorization for hearing.

Seconded by Mr. Hamilton

Adopted by voice vote

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**4. Case No.: L07-FUN-RBS-2006046251**

An inspection of Respondent establishment revealed the following violations:

- On the General Price List, the low end price range for a casket selected from another funeral home is incorrect.
- On the General Price List, item "c" has an incorrect price range.
- On the General Price List, the direct cremation price range is incorrect.

- Permanent identification tag on remains that was casketed lacked date of birth.

In summary, the Respondent has corrected the violations and apologizes for the discrepancies.

**Complaint History:** *None*

**Recommendation:** **Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to assess a civil penalty of \$250 and authorization for hearing.

Seconded by Ms. Hllum

Adopted by voice vote

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**5. Case No.: L06-FUN-RBS-2006043811**

An inspection of the Respondent establishment revealed the following violations:

- The establishment could not produce a General Price List for inspection.
- The establishment could not produce an Outer Burial Container Price List for inspection.
- The establishment could not produce a Casket Price List for inspection.

The Respondent asks the Board for time in solving their problems and has since submitted a General Price List, Casket Price List and Outer Burial Container Price List.

**Complaint History:** *200502453 - Still open, \$2,000 civil penalty set up on payment plan; 200504531 - \$500 Consent Order paid.*

**Recommendation:** **Consent Order assessing civil penalty of \$750 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Hamilton

Adopted by voice vote

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**6. Case No.: L06-FUN-RBS-2006044571**

An inspection of Respondent establishment revealed the following violations:

- The identification tag of casketed remains in the viewing room lacked the decedent's date of birth, date of death, and social security number.
- The identification tag of a second casketed remains in the viewing room lacked the decedent's date of birth, date of death, and social security number.
- On the Statement of Funeral Goods and Services Selected, itemizations were not filled in correctly.

Corrected forms were submitted to the inspector. The Respondent states that the identification tag problems were isolated incidents and will not happen again.

**Complaint History:** 9500002 - Closed

**Recommendation:** Consent Order assessing civil penalty of \$500 and authorization for a hearing.

A motion was made by Ms. Hellum to assess a civil penalty of \$250 and authorization for a hearing

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**7. Case No.: L06-FUN-RBS-2006043801**

An inspection of the Respondent establishment revealed the following violations:

- Failure to provide cremation authorization with required information to authorizing agent.
- General Price List does not contain the required disclosure language.
- Outer Burial Container Price List does not contain the required disclosure language.

The Respondent states that these same price lists have been used for two and one half years and passed inspection. The Respondent acknowledges violation of cremation authorization form.

**Complaint History:** 200420802 – Dismissed; 200504250 – C/O \$500 paid; 200601562 – Dismissed, 200601712 - LOW

**Recommendation:** Consent Order assessing civil penalty of \$250 and authorization for hearing for cremation authorization form and Letter of Caution regarding disclosure language.

A motion was made by Ms. Hellum to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**8. Case No.: L06-FUN-RBS-2006044611**

Following inspection, Respondent funeral establishment received a Notice of Violation for:

- Failure to notify the Board within 10 days of change in manager
- On the General Price List, the low end range is inconsistent with the Casket Price List.
- On the Casket Price List, the disclosure language is incorrect
- The Casket Price List does not provide for alternative containers

The Respondent provided updated price lists and proper notice of a change in the establishment's manager.

**Complaint History:** *200503453 - Dismissed; 200601727 - Dismissed*

**Recommendation:** **Consent Order assessing civil penalty of \$250 and Letter of Warning for failure to notify Board of change, and authorization for hearing.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Hllum

Adopted by voice vote

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**9. Case No.: L06-FUN-RBS-2006044631**

An inspection revealed the following violation:

- A casketed remains lacked a permanent identification tag.

The Respondent claims that extensive measures have been taken to prevent this type of violation and requests that a letter of warning be issued.

**Complaint History:** *None*

**Recommendation:** **Consent Order assessing \$250 civil penalty and authorization for hearing.**

A motion was made by Mr. Steve Murphy to issue a Letter of Warning.

Seconded by Ms. Hllum

Adopted by voice vote

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**10. Case No.: L06-FUN-RBS-2006044331**

An inspection of the Respondent establishment revealed the following violations:

- On the Casket Price List, the price range was inconsistent with the General Price List.
- On the Outer Burial Container Price List, the price range was inconsistent with the General Price List.
- On the Casket Price List, the price with alternative container was inconsistent with the General Price List.
- General Price List did not provide required language regarding embalming.
- Outer burial containers in the selection room did not match with those on the Outer Burial Container Price List.

The Respondent was unaware of the above requirements and states it was using an outdated publication of *Complying with the Funeral Rule*.

**Complaint history:** 949746 - Closed

**Recommendation:** Consent Order assessing \$250 civil penalty and authorization for hearing.

A motion was made by Mr. Steve Murphy to issue a Letter of Warning.

Seconded by Ms. Hellum

Adopted by voice vote

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**11. Case No.: L06-FUN-RBS-2006041231**

An inspection revealed that the Respondent, an unlicensed individual, is continuing to practice as a funeral director after expiration of his funeral director's license on March 31, 2001. The inspector observed at least two documents signed by the Respondent as a funeral director; the first was dated July 18, 2006, and the second was dated July 21, 2006.

Two requests for responses have been mailed to the Respondent with no response.

**Complaint History:** None

**Recommendation:** Consent Order assessing civil penalty of \$1,000 and authorization for hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Hamilton

Adopted by voice vote

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**12. Case No.: L07-FUN-RBS2007048091**

An inspection on January 10, 2007 revealed the following violations:

- The casket price list does not list alternative containers as required by FTC rules.
- Required listings for “direct cremation with container provided by purchaser” vs. “direct cremation with alternative container – heavy cardboard” is inconsistent with alternative container price list.

These same violations were noted during a prior inspection as well.

Respondent states that he failed to save the changes during a previous inspection and reports that the changes have now been made.

**Complaint History:** 200704786 - Open

**Recommendation: Consent Order assessing civil penalty of \$250 and Authorization for Hearing**

A motion was made by Mr. Steve Murphy to accept Counsel’s recommendation.

Seconded by Mr. Hamilton

Adopted by voice vote

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**13. Case No.: L07-FUN-RBS2007048051**

Following inspection, Respondent funeral establishment received a Notice of Violation for:

- No licensed funeral director in charge of establishment.
- Failure to retain copy of cremation authorization for decedent.

The Board’s request for a response was returned with a notation that the business is closed.

**Complaint History:** 2006045971 - Open; 2006010131 - Open; 2006036891 - Open; 2006034691 - Open

**Recommendation: Authorization for Hearing**

A motion was made by Ms. Hellum to accept Counsel’s recommendation.



Seconded by Mr. Steve Murphy

Adopted by voice vote

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**14. Case No.: L06-FUN-RBS2006045971**

This complaint originated from family who allege that the Respondent unreasonably refused to surrender the custody of the remains of a relative that was to be cremated by Respondent. An employee of Respondent stated that the body had been cremated, but documentation from the crematory later revealed this information to be false. The Respondent failed to respond to inquiries by the deceased's family and failed to cooperate with the Board's investigators and inspectors.

No response was received from Respondent. Respondent failed to cooperate or discuss the matter with an investigator.

**Complaint History:** 2007048051 – Open; 2006010131 – Open; 2006036891 – Open; 2006034691 – Open

**Recommendation: Authorization for Hearing**

A motion was made by Ms. Hellum to accept Counsel's recommendation.

Seconded by Mr. Hamilton

Adopted by voice vote

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**15. Case No.: L07-FUN-RBS-2007048511**

The complainant contacted Respondent to make arrangements for a deceased parent. The Respondent declined to meet with complainant at the establishment and made several visits to complainant's home instead. Respondent failed to provide complainant with any price lists. Complainant was shown a catalog of caskets, but no prices were listed. The Respondent used a casket different than the one complainant had selected and paid for.

Complainant states the funeral establishment was cold, no register was provided as agreed and guests had to walk around piles of trash and debris to gain access.

The request for response was returned with the notation "business closed".

**Complaint History:** 2007048051 – Open; 2006010131 – Open; 2006036891 – Open; 2006034691 – Open

**Recommendation: Authorization for Hearing**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Helling

Adopted by voice vote

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**16. Case No.: L06-FUN-RBS-2006045531**

Complainant alleges that her husband had informed her and other family members that all arrangements for his funeral and burial had been taken care of. Upon death of her husband, complainant met with Respondent and was informed that although he had enrolled in the Free Veterans Certificate Program, which provides a free burial plot, the certificate could not be honored because he had not renewed it. The Respondent further informed complainant that the funeral arrangements had not been paid. Later that night, complainant found her husband's certificate which had been renewed only weeks earlier. The certificate was signed by a representative of Respondent. Upon being presented with the certificate, the Respondent acknowledged it had misinformed the complainant. The complainant believes the Respondent, who overlooked her husband's certificate, is also overlooking his proof of payment for other funeral arrangements. Neither the complainant nor Respondent have been able to produce proof of payment.

The Respondent states that due to the fact that the certificate had been renewed only recently, it had not yet been filed. The Respondent acknowledges that funeral arrangements were discussed and quoted, but says the complainant's husband had not made payment.

**Complaint History:** 949823 - Closed

**Recommendation: Letter of Warning regarding the prompt filing of important documentation.**

A motion was made by Mr. Steve Murphy for a Consent Order assessing a civil penalty of \$250 for unprofessional conduct and an authorization for a hearing.

Seconded by Mr. Hamilton

Member(s) noted as voting to the contrary of the voice vote conclusion: Helling

Board President Bob Foster then called for a roll call vote. The recorded vote:

Bob Foster	Yes
Dennis Hamilton	Yes

Wendy Hellum	No
Steve Murphy	Yes

Adopted by roll call vote

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**17. Case No.: L06-FUN-RBS-2006043841**

Following an inspection on November 8, 2006, Respondent received a notice of violation because the prices for five caskets in the selection room did not match the respective prices on the casket price list.

The Respondent states that he has not had a funeral since the previous February and has corrected the mistakes.

**Complaint History:** *200504284 - Still Open, C/O \$750 approved but not paid; 200504486 - Closed C/O \$750 paid.*

**Recommendation: Consent Order assessing civil penalty of \$250 for FTC violation and authorization for hearing.**

A motion was made by Ms. Hellum to issue a Letter of Warning.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**18. Case No.: L07-FUN-RBS-2006046401 (BULLS GAP FUNERAL HOME)**

An inspection on December 5, 2006 revealed the following violations:

- The funeral director license of the manager in charge was not available for inspection.
- The current license and latest inspection report for the crematory the funeral home uses was not available for inspection.
- Statement of Funeral Goods and Services Selected did not include necessary disclosure relating to embalming.

The Respondent states that the inspected establishment is a secondary location and not normally open, and that the funeral director license and crematory license and inspection reports were faxed from the primary office while the inspector was there. Respondent states that all statements of funeral goods and services are completed by hand, and the customers are given a copy. The computer generated form that did not contain the required disclosure is used for internal purposes only.

**Complaint History:** *None*

**Recommendation: Consent Order assessing a civil penalty of \$500 and authorization for hearing.**

A motion was made by Ms. Helling to assess a civil penalty of \$250 and authorization for a hearing.

Seconded by Mr. Hamilton

Adopted by voice vote

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**19. CASE NO.: L07-FUN-RBS-2006046381**

An inspection on December 5, 2006 revealed a casketed remains that had no permanent identification tag attached.

Respondent admits violation.

**Complaint History:** *None*

**Recommendation: Consent Order assessing civil penalty of \$250 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to issue a Letter of Warning.

Seconded by Ms. Helling

Adopted by voice vote

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**20. CASE NO.: L07-FUN-RBS-2006046361**

An inspection on December 5, 2006 revealed the following violations:

- The range of prices on Outer Burial Container Price List does not match those on General Price List.
- The license and latest inspection report of the crematory uses were not available for inspection.

Respondent admits the above violations and has made corrections as necessary.

**Complaint History:** *200600603 - Closed*

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to assess a civil penalty of \$250 and authorization for a hearing.

Seconded by Ms. Hellum

Adopted by voice vote

Staff Attorney Adrian Chick addressed the Board concerning Complaint #2005043291. The complaint had originally been presented to the Board at the January 10, 2006 meeting and the Board had approved a \$500 civil penalty. In order to keep the penalty consistent with other violations of this nature, Attorney Chick asked the Board to approve a \$375 penalty instead of \$500.

A motion was made by Mr. Steve Murphy to accept Counsel's request.

Seconded by Mr. Hamilton

Adopted by voice vote

**ADMINISTRATIVE MATTERS:  
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**Report of Individual Licenses approved by Executive Director from  
December 13, 2006 through February 9, 2007.**

Jeremy David Ledford Lebanon, TN	Embalmer
Christy L. Richardson Fayetteville, TN	Funeral Director & Embalmer
Brittany Williams Schubert Crossville, TN	Funeral Director & Embalmer
Timothy L. Stinnett Jonesborough, TN	Funeral Director & Embalmer
Bruce Abby Farmington, Michigan	Funeral Director & Embalmer Reciprocity - Michigan
Nathaniel James Holman Hendersonville, TN	Funeral Director & Embalmer Reciprocity – North Carolina

**Disciplinary Action Report:**

**The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties**

**paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.**

Complaint No. 2006036251

Violation: FTC price violations and failure to maintain a copy of current license and last inspection report for crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2006041401

Violation: Failure to retain cremation authorization and failure to affix permanent ID device to the remains in a casket

Action: \$250 Civil Penalty

Complaint No. 2006041191

Violation: FTC price violations and failure to maintain a copy of current license and last inspection report for the crematory that the funeral home uses

Action: \$750 Civil Penalty

Complaint No. 2006038731

Violation: Disseminating business cards representing an unlicensed individual to be a licensed funeral director

Action: \$500 Civil Penalty

Complaint No. 2006037651

Violation: FTC price violations

Action: \$250 Civil Penalty

Complaint No. 2006034101

Violation: Aiding and abetting an unlicensed person to practice funeral directing

Action: \$1000 Civil Penalty

Complaint No. 2006034841

Violation: FTC price violations including discrepancies, failure to list services on GPL, incorrect disclosure language and failure to list all burial vaults being offered to consumer on OBCPL

Action: \$750 Civil Penalty

Complaint No. 2006032421

Violation: FTC price violations and failure to include the reason for embalming on contracts

Action: \$350 Civil Penalty

Complaint No. 2006034861

Violation: Incomplete disclosure information on cremation authorization and failure to maintain a copy of current license and last inspection report for the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2006039641

Violation: Conducting services in Tennessee without a Tennessee licensed funeral director present

Action: \$500 Civil Penalty

Complaint No. 2006037991

Violation: Incomplete disclosure information on cremation release forms and receipt not being utilized for medical research cremations

Action: \$500 Civil Penalty

Complaint No. 2006035941

Violation: Failure to notify the Board of change in the licensed funeral director in charge of the establishment

Action: \$500 Civil Penalty

Complaint No. 2006036261

Violation: Failure to notify the Board of change in the licensed funeral director in charge of the establishment, current licenses for each funeral director and embalmer not available and failure to maintain a copy of the current license and last inspection report for the crematory that the funeral home uses

Action: \$500 Civil Penalty

Complaint No. 2006041221

Violation: Establishment not being managed and supervised by a licensed funeral director, preparation room exhaust fan not operable and FTC price violations

Action: \$750 Civil Penalty

Complaint No. 2006038021

Violation: FTC price violations, incomplete disclosure information on cremation authorization and cremation authorization not signed by funeral director

Action: \$500 Civil Penalty

Complaint No. 2006032221

Violation: Committal service and interment directed by apprentice funeral director

Action: \$500 Civil Penalty

Complaint No. 2006034781

Violation: FTC price violations and failure to maintain a copy of the current license and last inspection report for the crematory that the funeral home uses

Action: \$750 Civil Penalty

Complaint No. 2006039441

Violation: Conducting services in Tennessee without a Tennessee licensed funeral director present

Action: \$500 Civil Penalty

Complaint No. 2006034771

Violation: FTC price violations

Action: \$250 Civil Penalty

Complaint No. 2006034801

Violation: Cremation authorization not signed by funeral director, receipt for human remains and release of cremated remains lacking required information

Action: \$500 Civil Penalty

A motion was made by Mr. Steve Murphy to approve the Executive Director's request for the Board's acceptance of the above consent orders.

Seconded by Mr. Hamilton

Adopted by voice vote

### **Open Complaint Report**

As of February 9, 2007, there were 123 open complaints.

President Robert Foster, Jr. recognized Mr. Steve Spann, President of John A. Gupton College in Nashville, TN. Mr. Spann invited the board members to the annual convention of The International Conference of Funeral Service Examining Boards, Inc., that is scheduled to be held in Nashville, TN on April 18 – 22, 2007.

### **COMPLETION OF RISK ASSESSMENT INQUIRIES:**

All board members present completed the Risk Assessment Inquiries.

### **ADJOURN:**

A motion was made by Ms. Hellum to adjourn.

Seconded by Mr. Hamilton



Adopted by voice vote

There being no further business, the meeting was adjourned at 10:50 A.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director